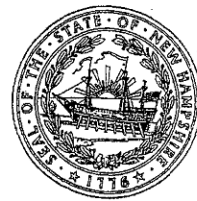




The State of New Hampshire
Department of Environmental Services
Waste Management Council

PO Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095
Appeals Clerk Telephone (603) 271-6072 - TDD Access: Relay NH 1-800-735-2964
DES Website: www.des.nh.gov - Council Website: www.des.state.nh.us/councils/



STATE OF NEW HAMPSHIRE
WASTE MANAGEMENT COUNCIL

Decision & Order

Docket No. 04-10 WMC

Appeal of 5N Associates
In Re: Groundwater Management Permit No. GWP 198805019-H-001

Joint Motion to Continue Appeal Hearing

Background

On March 8, 2004, The NH Department of Environmental Services, Waste Management Division ("DES"), issued Groundwater Management Permit No. GWP-198805019-H-001 ("the Permit") to 5N Associates ("Appellant"). The Permit contained certain provisions which the Appellant disagreed with.

On April 6, 2004, the Appellant filed a Notice of Appeal of the Permit provisions with the NH Waste Management Council ("the Council") pursuant to NH RSA 21-O:9-V and RSA 21-O:14 and NH Code of Administrative Rules Env-WMC Part 203.

On April 22 the Council accepted the Notice of Appeal and scheduled an Appeal Hearing for June 24, 2004 at 11:00am.

On May 17, 2004 the Appellant filed a Joint Motion to Continue Appeal Hearing ("the Motion") with the Council. In its filing, the Appellant noted that the parties have entered into settlement discussions and that the parties expect the matter can be settled, but that additional discussions and meetings between the parties will be necessary. The Appellant requested that the Appeal Hearing be rescheduled from June 24, 2004 to July 22, 2004.

Discussion / Conclusion

Pursuant to NH Code of Administrative Rules Env-WMC 204.13 Continuances, the Council shall grant a request for a continuance if the Council determines that reasonable cause exists and that no other party will be prejudiced by the delay. Reasonable cause shall include, but is not limited to: "The parties believe that an informal resolution is possible and need more time to resolve the matter."

The Council finds that reasonable cause exists to grant the Motion, and that no other party will be prejudiced by the delay.

Order

Joint Motion to Continue Appeal Hearing is GRANTED. The Appeal Hearing is rescheduled for July 22, 2004 at 11:00am.

So Ordered for the Council by:


Michael Sclafani, Appeals Clerk

June 3, 2004